G. R. S. 58]

Previous references.

mlq 2-n 88, 60-17
120

Later references.

(1923. mune)

Byelaws PDI-19

File No. 59-23

Serial Nos. 61142

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for marketts

SUBJECT

octroi Bye. laws framed by the Municipality for municipal Council.

42 201

The D. C. Kolar
Nol 74831d 19-3-24
Sanctions the Bye. laws
with certain observations

18
14-1-25

G. R. S. 11] 1923

GENERAL AND REVENUE SECRETARIAT.

(ell)

NOTES.

File No. 57-23

FILE HEADING.

Rules and Bye-laws framed by Municipalities

From

The Deputy Commr Kolar Dt

No. Roc 187 Dated 23.7.23. Received 28.7.23.

Diary No. 495	Enclos.	Spare Copies.	Serial No. 5

BRIEF ABSTRACT OF LETTER.

Forwards for Sanction copies of the Octroi Bye-laws framed and approved by the Srinivaspur Municipal Council.

NOTES AND ORDERS.

The Bye-laws framed by the Mun Cl are in accordance with the recognised rules.

2) Kind attention is invited to para 2 of the P.W.D. Re- the imposition of Octroi duty on areca nuts in the list of dutiable articles, areca nut has not

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

ddl File No. 59 of 1923.

Serial No.

been included. (Vide sl 5 of the Schedule of Taxes, ddl Regulation No VIII of 1906.)

b) Submitted for orders

22/8/24 a) Section II (b) may be omitted as it is unnecessary to mention the bye-laws. Submission is only a Minor Penalty and the levy of octroi thereon has to be regulated in accordance with the terms issued by Govt in letter of 25-11-20. The proposal to levy octroi on goods in transit cannot therefore arise in connection with the octroi bye-laws.

The bye-laws may perhaps be drawn with the above observations noted above.

Section II (b) omit the whole section.

No IV bye-law. omit the words "from" words Section 76 of the Cantonments Act". Sections 76 to 81 are not applicable to Minor Municipalities

No VIII bye-law. For "may be answered" substitute "shall be answered"

Nos IX, X and XI bye-laws These may be omitted as the power to frame bye-laws

NOTE—Contn. sheet.

Mr. H V K

I do not quite follow this note. Please see if it is all right.

I don't think the Members query has been answered. Please revise the note

CHB
2/10

an181 Reams O.C. 187/23-24

Forwarded with compliments to Secretary to Government, Local and Legislative Departments, Bangalore. Early issue of Government may kindly be obtained & sent to the Bye laws dealt with this office No. O.C. 187/23-26 dt 27/7/1923.

Yours faithfully,
for Deputy Commissioner.

Bye laws District Board

GENL. & REV. SEC.
Dt. 2.
Sept/10/1923.

Jun 21.1924

3/9

36 TS-7

A.495

To

The Deputy Commissioner,

Kolar District

Sir

I beg to request you to kindly get early orders passed in the matter of approving the Octroi Bye laws for this Municipality submitted with this office No 260. 23.23 dated 30.6.23

Accts 23-12-23

I beg to remain,

Sir.

Your most Obedient Servant

President

30.12.23

Sreenivasapura Municipality

R. S. III-21

General and Revenue Secretariat.

M C File No. 37 of 1923

Serial No.

& key among the things a superior Govt,

6. In Connection with the proposal of the Co-Chairmen Town mun. Cl. recently received for sanction of Govt., the member was pleased to order that the other Head Qr. mun. were consulted, viz mun.(92-22)Cl and steps about to issue accordingly.

7. Recently these mun. Cls were Consulted regarding the proposals of the Shimoga mun. Cl. & levy certain new taxes & these included a tax on Arecanut exported. But the majority of the mun. Councils are against this levy. This file has been sent up to Govt for final orders. Written

mil. 179-23.

Sd/-
K
29/9/23.

Rec'd 1/10.

8) The By-Laws have been approved by the Member with the amendments proposed by this Office. Orders relating to the By-laws may issue. The question of amending the By-Laws raised by the Member will be submitted separately after the issue of the orders. (Another file was another file in which the question of taxing arecanut has been raised.

Noted—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

Wt File No. 54 of 19 23

Serial No.

This was a file case last month

DS

(The Scheme for the opening taken from Mal & the Principles of the by-laws were invited.)

a) Sent with a draft Sanctioning the by-laws

HK 11224

b

DS for being brought up

CK

b) The draft as revised may be approved. ~~matters~~ It is in accordance with the first member's orders in the margin of para 4.

c) Further action as per orders at para 5 will be taken after the issue of the draft.

(L & L Secy)

CK 22. 2. 24.

REVENUE SECRETARIAT. 2 FEB. 1924 SELF GOVT. BRANCH

d) Typed & sent

e) Issue & take further action

CK 22.2.24

42

To

Mal Dr. Kolar SL

No. T 483 dt 19/3/24

Sanctioning the by-laws with certain modifications.

Further action please see Mal 92-22

Norm—Contn. sheet.

24.4

187 Ex file.

123-24

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT,

Dated Kolar 23rd July 192 3.

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
Deputy Commissioner,
Kolar District.

28 JUL 1923

Mc 59-23-5

To

T. E. Jayarama Iyer, Esq., B.A., B.L.,
Secretary to Government of Mysore,
Revenue Department, Bangalore.

SIR,

1) I have the honor to forward, for favour of sanction, copies of octroi bye-laws, framed and approved by the Srinivaspur Municipal Council, received from the President, with his NO:260/22-23 dated 30-6-1923, it is seen from the enclosed correspondence that sufficient notice has been given to the public to prefer objections, if any, to the introduction of the said bye-laws in the town. An objection petition, signed by ten arecanut merchants of the town, having been received, the matter was placed before the Municipal Council, in their meeting held on 2-6-1923 and after due consideration, the Council held the view that the objections were not based on reasonable grounds and resolved that the said bye-laws be submitted to Government for sanction with a slight modification, in the rates originally prpposed to be levied on dry cocoanuts and sheep or goat.

2) As regards the imposition of octroi duty on areca-nut against which objections were raised by the aforesaid ten merchants, the President, states that the article is imported in large quantities from Madras, and distributed into the interior of the Taluk &c. If this article is subjected to octroi duty, it is stated that it would fetch an annual income of Rs 1,000, to the Municipality. This aspect of the question is worth consideration as the resources of the Municipality demand augmentation for discharge of their obligatory functions.

3) Under the circumstances explained above, I request that sanction

of Government may kindly be obtained early.

I have the honor to be,
S i r,
Your most obedient servant,

C Narayanaswamy
Treasury Assistant Commissioner,
for Deputy Commissioner,
Kolar District.
(absent from station).

Sreenivaspur Municipality

10

Octroi Byelaws framed under Sec 48(1)(k) of the Mysore Municipal Regulation by the Municipal Council of Sreenivaspur & Sanctioned by Govt in their Proc No [illegible]

I The octroi limits for the levy of octroi shall be the municipal limits.

II No articles liable to octroi shall be brought within these limits except by one of the high roads mentioned in Schedule (a) hereto annexed or by the Railway.

III All persons bringing into or receiving from beyond the octroi limits of the Town any such article or any consignment or package containing such article shall forth-with convey the same to the municipal office or the Town chavadi to enable the octroi officer to inspect the same

IV Every person bringing dutiable articles within the Town shall report the fact at the municipal office or the chavadi All octroi officers no below the rank of a Daroga are authorised to inspect the contents of any conveyance or package. ~~under Section 76 of the Mysore Municipal Regulation~~

V A Table showing the octroi leviable shall be hung in a conspicuous place in the

and a copy thereof shall be supplied free to any body asking for the same.

VI When the goods are brought to the municipal office or the chaadi they shall be weighed or counted by the officer in charge for the ascertainment of the amount of octroi payable. In the case of piece goods, the importer shall produce the invoice of the goods in original and if he fails to do so, the officer incharge shall assess the value thereof at current market rates and levy octroi accordingly. In the case of piece goods on which octroi has been paid the octroi officer shall ~~affix~~ and stamp the articles with the councils' seal in a conspicuous place.

VII No dutiable articles shall be left in the octroi office for more than twelve hours and the municipality shall not be responsible for the loss or damage occuring to the goods by reason of their being left in the octroi office for more than twelve hours.

VIII The importer of any dutiable articles shall be allowed to pass the articles through the municipality for sale or consumption

outside the municipal limits, free of octroi duty, without breaking the bulk thereof provided he gives notice of his intention so to do to the octroi officer before the articles enter the municipal limits.

IX

On all articles on which octroi duty has been paid and which are subsequently exported by the original importer himself beyond the municipal limit without breaking bulk, refunds shall, subject to the following rules, be granted at the rates originally charged at the time of import:—

1. On piece goods .... within three months from the date on which octroi was levied.

2. On all other articles ... within one month from the date on which octroi was levied, provided that no refund shall be granted of any sum less than one rupee.

X.

Any person claiming refunds under above rule shall produce the goods to be exported at the octroi office together with the original receipt for octroi duty paid thereon and an application for refund prepared in duplicate in such form and showing such particulars as the Municipality may from time to time prescribe.

XI. The President on 13

with the validity of the claim and the identity of the goods produced with those for which the receipt has been granted shall endorse the two copies of the application. Keep one copy with him and return the other to the claimant. The party shall then take the endorsed application along with the goods in question to the place to which the goods are exported and after showing them to the Patel of the Village or the Chairman thereof if the place happens to be a panchayet get his endorsement on the application to the effect that the goods have been imported into his village upon the production of the duplicate application thus endorsed, the President shall refund the refund under the rules.

XII The procedure prescribed for the levy of octroi in paras 3 to 6 supra shall also apply to the dutiable articles imported through the post office, after they are taken delivery of by the importers.

XIII IX Importers of dutiable articles shall, if called upon by a requisition

in writing by the President or Vice-President within three months of such import, account for the articles received by them by producing the accounts, if any, that may be maintained by them with regard to the disposal of such articles.

X The President, Vice President or any Municipal officer above the rank of a Daroga may enter any building suspected to contain dutiable articles on which octroi has not been paid, and conduct a search there of between the hours of sunrise and sunset.

XI For all amounts received in the shape of octroi, the officer receiving the same shall issue to the payer a proper receipt in a printed form showing the quantity or value of the goods, rate at which levied and amount received.

XII Any person infringing any of the provisions of these Byelaws shall be liable on conviction before a Magistrate to a fine upto Rs 50/-.

President

By Order of the Municipality

che (a)

Names of roads through which only dutiable goods should be brought into the town:-

1 The high road from Kolar.
2 The high road from Mulbagal.
3 The high road from Chintamani.
4 The Cadapa high road.

Schedule II (6)

Table of rates of octroi.

1 Cocoanut - - - - - each 1 pie
2 Betel leaves 100 - - - - - 1 pie.
3 Dry Cocoanut per md - - - 4 annas. (0-4-0
4 Kerosene oil per tin 2 annas.
5 Tobacco per lb 1 Rupee.
6 Piece goods per 100 Rs worth 2 Rupees.
7 Sheep or goat per head 1 annas (0-1-0)
8 Tobacco dust per md 6 pies (0-0-6)
9 Adicunt per md 1 anna.

Subramaniam
President 30/6/20
Srinivasa Municipality

43/2424.

G.R.S. VI G 31]

SUBJECT.....

Diary No. of letter replied to 4952

Section Mf

File No. 59-23

Serial No. 42

General and Revenue Secretariat

(Lbg)

, the 192

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 24/3/24

Signed by.....

Read— Letter No Rt 3 48-23-24 dt the 23rd July 1923 from the Secy, Kolar Dist Bdg for sanction to the draft Octroi bye-laws framed by the Senior Municipal Council of Srinivaspur under Sec 48(1)(k) of the Mysore Municipal Regulation

Order Thereon— No.

Order No 7488 the Bye-laws as altered & sanctioned

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

The bye-laws are sanctioned with the

Estt(2)

7/3

noted below:

(i) Schedule II (by showing the table of rate of Octroi has not been revised in the bye-laws of Tobacco dust and Arecanut cannot be levied as they are not included in the Schedule appended to Notn No R 6319 dtd 81-19-68 & 25th Nov 1920 sanctioning the rates to be levied by Municipal Councils. The duty on Piece Goods cannot exceed three pie in the rupee. With these modifications the list of articles on which Octroi is ordered to be levied and the rates of duty sanctioned are as shown in the margin

- and so it need not be appended to the bye-laws.

1 Rice common one pie
2 Betel leaves two leaves one pie
3 Dry Cocoanut per head four pies
4 Kerosine oil per rupee two pies
5 Tobacco per rupee one rupee
6 Piece goods per rupee three pies ad Valorem
7 Sheep or goat per head three pies

List of enclosures.

Copied by

Examined by

(ii) In Bye-laws No IV omit the words "under the Municipal Regn" as these G & S do not apply to Municipal Councils.

(iii) In bye laws No VIII the word 'Shall' is substituted for the word "May"

(iv) The bye-laws Nos. IX, X & XI are omitted as power to frame bye-laws in respect of repairs under sec 44 & (1)(k) is subject to general or special orders of Govt and the Govt have already framed necessary rules in rule 152 of the Travancore Local Accounts Manual It is usual to give repairs only on cloth and not on other articles

(v) Bye-law No XII is also omitted as it is ultra vires as no Octroi can be levied after the goods enter the Taluk limits and the Postal Dept is exempt

Extract from the Judgment of Sir Lionel Leach in the suit framed by Court for Senior Civil Courts

2. A copy of the by-laws as amended by Court is appended. All persons who take copies may be instructed for reference & record in the Secretariat

Copy to be sent
to [illegible] 12 Sept
11-2-1924

To the Collector Kolar
with the Panchayat by-laws & with his office record -